AF/2174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Brandt et al.
Serial No.:	10/058,360
Filed:	January 28, 2002
For:	METHOD AND APPARATUS FOR DISPLAYING HELP WINDOW SIMULTANEOUSLY WITH WEB PAGE PERTAINING THERETO
Group Art Unit:	2174
Confirmation No.:	5127

APPEAL BRIEF IN SUPPORT OF APPEAL

FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith an appeal brief in support of the appeal to the Board of Appeals from the decision dated March 7, 2005, of the Primary Examiner finally rejecting claims 1-8 and 10-29.

The appeal brief fee of $500.00 is:

___ Enclosed.

___ Not required. (Fee paid in prior appeal.)

X Charged to Deposit Account No. **09-0465**. A duplicate copy of this sheet is enclosed.

Docket No.: ROC919960172US2
Serial No.: 10/058,360

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Table of Contents

1. Real party in interest

The Real party in interest is International Business Machines, Inc., the assignee of the above-identified application.

2. Related appeals and interferences

There are no related appeals or interferences for the above-identified application. The Board reviewed the parent of the above-identified application in a decision dated November 29, 2001 (Appeal No. 1999-1693). *See Section 10.*

3. Status of claims

Claims 1-8 and 10-29 are pending. Claims 1-8 and 10-29 are currently rejected.

Applicant appeals claims 1-8 and 10-29 from the final rejection of claims 1-8 and 10-29.

4. Status of amendments

Applicant filed a Preliminary Amendment on February 21, 2002 and a Supplemental Preliminary Amendment on June 18, 2003. The Examiner entered both amendments in the Office Action mailed July 15, 2004.

Applicant filed an Amendment on June 7, 2005. The Office Action mailed July 27, 2005 indicates that the Examiner did not enter this Amendment. Accordingly, the claims reproduced in Section 8 do not include the June 7, 2005 changes.

5. Summary of claimed subject matter

Traditionally, users ask for help regarding the content and/or function of web pages by clicking on a hypertext link to a topic of interest. The main work area of the web page is then replaced by the help information. A "back" button (or a similar navigation mechanism) returns the user to the area of interest by deleting the help information from the display. This requires the user to remember relevant help information from one panel to the next, or to "flip" back and forth between the web page and the help information. Such operation is awkward and extracts a heavy penalty in terms of performance (machine and human) whenever help is required. *Background, page 2, lines 5-12.*

Manifestly, when using the World Wide Web, it is inconvenient not to be able simultaneously to view both a web page and the help page that pertains to it. *Background, page 2, lines 13-14.* For example, to receive help for a complex web page, such as an IRS document, the user must first navigate to a help page, then memorize the instructions contained therein, then hit the back button to return to the original web page, then wait for the browser to reload the original web page, then perform the suggested actions, hopefully as directed by the instructions in the help page. This is a particular drawback in Internet applications, because the user must often wait several seconds each time they request a new web page. *Background, page 2, lines 14-16*

The present invention is directed to a help system that is optimized for the network environment, particularly the world-wide-web environment. It provides immediate help for a network user by presenting the help information simultaneously with the web page to which it pertains, without replacing any part of the web page. *Summary, page 2, lines 19-21.* In this way, this invention recognizes that a help feature in a network context should be different from a help function that resides in a single-computer application. *Summary, page 2, lines 21-26.*

Claim 1 is directed at a computer with a data storage device including a computer usable medium having computer usable code to present a help window for a web page displayed on a monitor. Claim 1 specifically requires the display of two separate windows: (i) a "web page window" that "includes a web page obtained from a server"; and (ii) a "help window" that "includes user-readable instructions that describe how to accomplish functions in the web page." *See Summary, page 3, lines 13-19. See also Detailed Description, page 7, lines 1-13; page 8, lines 23-29. See also Figure 2, elements 24 and 26.* In this way, the present invention presents a world wide web user with instructions that describe how to accomplish functions in a web page without replacing that page in the browser. This feature is highly desirable because a user can perform the acts suggested by the help page while viewing those instructions.

Claim 2 further requires that the help window of claim 1 be "displayed simultaneously on the monitor with at least a portion of the web page." *See Summary, page 2, line 30 - page 2, line 1; page 3, lines 18-19. See also Detailed Description, page 8, lines 27-29. See also Figure 2, elements 24 and 26.*

Claim 8 requires computer readable code to present two separate windows: (i) a "web page window on the monitor" that includes "a web page obtained from a server"; and (ii) a "the help window containing information pertaining to the content of the web page from the server computer and not to the browser, wherein the help information in the help window includes user-readable instructions that describe how to accomplish functions in the web page." *See Summary, page 3, lines 13-19. See also Detailed Description, page 7, lines 1-13; page 8, lines 23-29. See also Figure 2, elements 24 and 26.*

Claim 10 further requires that the computer readable code of claim 8 present "the help window simultaneously on the monitor with at least a portion of the web page

window." *See Summary, page 2, line 30 - page 2, line 1; page 3, lines 18-19. See also Detailed Description, page 8, lines 27-29. See also Figure 2, elements 24 and 26.*

Claim 14 is directed at a "computer-implemented method for presenting a help window on the display area of a monitor associated with a user computer along with at least a portion of a web page obtained from a server by a browser." This method requires the display of two separate windows: (i) a "web page in a web page window"; and (ii) "help information in the help window, the help information pertaining to the web page, wherein the information in the help window includes instructions that describe how to accomplish functions in the web page." *See Summary, page 3, lines 13-19. See also Detailed Description, page 7, lines 1-13; page 8, lines 23-29. See also Figure 2, elements 24 and 26.*

Claim 19 also requires the display of two separate windows: (i) a web page window; and (ii) a help window. More specifically, claim 19 requires "a program on the program storage device and including instructions executable to cause the digital processing apparatus to present on a monitor associated with a user computer that executes a browser help information simultaneously with a page obtained by the browser from a server by: presenting a web page from the server on the monitor associated with the user computer; and selectively presenting a help window on the monitor associated with the user computer, the help window containing information pertaining to the web page from the server computer, wherein the information in the help window includes user-readable instructions that describe how to accomplish functions in the web page." *See Summary, page 3, lines 13-19. See also Detailed Description, page 7, lines 1-13; page 8, lines 23-29. See also Figure 2, elements 24 and 26.*

Claim 21 further requires the program of claim 19 "cause the digital processing apparatus to present the help window simultaneously on the monitor with at least a portion of the web page." *See Summary, page 2, line 30 - page 2, line 1; page 3, lines*

18-19. See also Detailed Description, page 8, lines 27-29. See also Figure 2, elements 24 and 26.

Claim 24 is directed at a "method of providing help information for a browser site monitor that displays a web site page, the help information containing information relevant to the web site page." This method includes returning two separate web pages to the browser, specifically: (i) a "web site page and computer-executable instructions for displaying a help window containing help information relevant to the requested web site page"; and (ii) a "help web page includ[ing] instructions that describe how to accomplish functions in the web page" that is "to be displayed in a help window." *See Summary, page 3, lines 13-19. See also Detailed Description, page 7, lines 1-13; page 8, lines 23-29. See also Figure 2, elements 24 and 26.*

Claim 27 is directed at a "method for presenting a help window on the display area of a monitor associated with a user computer along with at least a portion of an application." This method requires two separate windows, specifically: (i) "displaying an application in an application window"; and (ii) "presenting the help information in the help window," wherein the "help information comprises user-readable instructions that describe how to accomplish functions in the application." *See Summary, page 3, lines 13-19. See also Detailed Description, page 7, lines 1-13; page 8, lines 23-29. See also Figure 2, elements 24 and 26.*

Applicant believes the above satisfies the requirements of 37 C.F.R. §41.37 (c) (v).

6. Grounds of rejection to be reviewed on appeal

The Examiner: (i) rejected claims 1, 5, 6, 8, 14, 18, 19, 20, 24, 25, 26, 27, 28, and 29 under 35 U.S.C. § 102(a) as anticipated by www.webcrawler.com ("Webcrawler"); and (ii) rejected claims 2, 3, 4, 7, 10, 11, 12, 13, 15, 16, 17, 21, 22, and 23 under 35 U.S.C. §103(a) as unpatentable over Webcrawler in view of U.S. Patent No. 5,715,415 to Dazey et al ("Dazey"). Applicant requests review of all rejections.

Applicant believes the above satisfies the requirements of 37 C.F.R. §41.37(c)(vi).

7. Argument

Applicant expressly states that the rejected claims do not stand or fall together. For purposes of this appeal, Group 1 consists of claims 1, 3-8, 14-20, and 24-29; and Group 2 consists of claims 2, 10, and 21-23. Applicant believes that claims 11-13 should also be considered part of Group 2.

I. Section 102 Rejections

A. The Webcrawler document is not prior art.

1. Rule 41.33 Filing

In its filing under Rule 41.33 on September 13, 2005, Applicant submitted a Declaration showing the present invention was conceived before October 23, 1996, the alleged publication date of the Webcrawler document, and either: (i) reduced to practice before October 23, 1996; or (ii) diligently reduced to practice between a date prior to October 23, 1996 and February 25, 1997, the filing date of the parent application. Applicant believes this Declaration satisfies the requirements in M.P.E.P. 715. Accordingly, Applicant respectfully submits that the Webcrawler document does not satisfy the requirements of Section 102, and thus, cannot not anticipate any of the claims.

2. The Examiner improperly refused to consider Applicant's Declaration filed on June 7, 2005.

In the Advisory Action dated July 27, 2005, the Examiner refused to consider the Declaration that Applicant submitted June 7, 2005 because "applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary or not earlier presented. See 37 CFR 1.116(e)." *Office Action dated July 27, 2005 at*

paragraph 7. This assertion is factually incorrect. Applicant's June 7, 2005 Declaration included the following statement under 37 CFR §1.116(e):

> This Supplemental declaration is being submitted after a Final Rejection because Applicant's previous submission of the Declaration was not accepted due to alleged informalities contained therein.

June 7, 2005 Declaration at pg. 5. Applicant brought this error to the Examiner's attention in its Rule 41.33 filing (filed September 13, 2005). Unfortunately, as of the filing date of this Appeal Brief, the Examiner has neither acknowledged his error nor provided any additional explanation about why he refused to enter Applicant's June 7 Declaration. *See Section 9, PAIR printout.*

In the event that the Examiner now tries to argue that Applicant's claim was not timely submitted, Applicant respectfully submits that there was no delay, and certainly no unreasonable delay, in this case. The Examiner first cited the Webcrawler Publication in a non-final office action dated July 15, 2004 ("1st Office Action"). Obviously, Applicant would not have submitted its Declaration prior to receiving this Office Action because it would not have been aware of the Webcrawler document.

Applicant timely responded to the non-final, 1st Action on December 14, 2004 ("Applicant's 1st Response"). This response included Applicant's claim of prior invention. That is, Applicant made its claim to prior invention in Applicant's first response to the non-final, 1st Office Action, which in turn, was the first office action to cite the Webcrawler document.

The Examiner issued a second office action on March 5, 2005 ("2nd Office Action") rejecting Applicant's First Declaration as failing to meet the technicalities of 37 CFR §1.131 and requesting additional supporting documentation. After receiving the 2nd Office Action, Applicant promptly made the requested changes and added the requested supporting information, then sent a draft Supplemental Declaration to the Examiner, and then conducted a telephonic interview with the Examiner to review the draft on April 25,

2005. At the request of the Examiner, Applicant made several minor changes (e.g., added page numbers in the attached exhibits) and then timely filed a Supplemental Declaration on July 7, 2005. Put more simply, Applicant timely submitted the Supplemental Declaration as part of its first opportunity to reply to the 2nd Office Action. Applicant believes the July 5, 2005 Declaration fully complies with M.P.E.P. 715.

After being verbally informed by the Examiner that the Patent Office lost Applicant's Supplemental Declaration, Applicant sent duplicate copies of the Supplemental Declaration to the Examiner and to the Patent Office's official facsimile number on July 19 and 20, 2005, respectively. Any delay caused by these lost documents is the responsibility of the Patent Office, not Applicant. *See Section 9, 'return receipt' postcard acknowledging the Patent Office's receipt of Applicant's June 7 Declaration.*

The Examiner issued an advisory action on July 27, 2005, which indicates that the Examiner refused to enter the Supplemental Declaration because Applicant failed to provide a statement under 37 CFR §1.116(e). *July 27 Office Action, pg. 2, paragraph 7.* As previously noted, this assertion is factually incorrect.

To avoid the expense and delay of a full appeal, Applicant filed a Rule 41.33 Declaration on September 13, 2005 that pointed out the Examiner's factual errors and provided additional detail regarding the timing issues. The Examiner has not responded to this filing as of the date of submission of this Appeal Brief. *See Section 9, PAIR printout.*

In summary, the Examiner first cited the Webcrawler Publication in a non-final office action. Applicant presented its claim to prior invention in its first response to that non-final action. Applicant then acted in good faith to respond to the Examiner's requests and submitted the Supplemental Declaration as part of its very next response.

B. Even if the Webcrawler document was prior art, it would still not anticipate the claimed invention.

A reference can only anticipate a claim if the reference discloses all of the claimed elements. *E.g., M.P.E.P. § 2131.* In this case, the claimed inventions are directed to a help system that is optimized for the network environment, particularly the world-wide-web environment. Claim 1, for example, requires two separate windows: (i) a web page window that includes a web page; and (ii) a help window that includes instructions that describe how to accomplish functions in the web page. In this way, the present invention presents a world wide web user with instructions that describe how to accomplish functions in a web page without replacing that page in the browser. This feature is highly desirable because a user can perform the acts suggested by the help page while viewing those instructions.

Conventional "web-help" systems, in contrast, required that the user navigate to a help page, then memorize the instructions contained therein, then hit the back button to return to the original web page, then wait for the browser to reload the original web page, then perform the suggested actions. This operation was awkward and extracted a heavy penalty in terms of both human and machine performance, particularly if the user needed to flip back and forth between the web page and the help information.

The Webcrawler document consists of a web page on which the user can click on a "help" icon. While this action leads to the display of help information, Webcrawler does not do so in the claimed help window. Instead, the system in the Webcrawler document requires that the user first navigate to a separate help page, then either: (i) memorize the instructions contained therein, then hit the back button to return to the original web page, then wait for the browser to reload the original web page, then perform the suggested actions; or (ii) instruct the browser to navigate to yet another web page, then wait for this new web page to load, and then hope that the new web page contained

the elements necessary to perform the desired actions.[1] Significantly, all of this information is presented in the same window, not in a second help window. In essence, Webcrawler is simply a minor variation of the conventional "web page" technique described in the Related Art section of Applicant's Specification.

Applicant originally noted this deficiency with the Webcrawler document in its Response dated July 15, 2004. The Examiner replied by claiming that "the applicant begins the argument with an assertion that claim 1 requires at least two windows. The Examiner would like to point out that this limitation is not specifically stated in claim 1." *Office Action dated March 7, 2005.* Applicant conducted an interview on April 25, 2005 in order to clarify this remarkable assertion. As best understood, the Examiner is interpreting the claimed "web page window includ[ing] a web page obtained from a server" to read on a browser window at one point in time and interpreting the claimed "help window . . . includ[ing] user-readable instructions that describe how to accomplish functions in the web page" to read on that same browser window at a later point in time. That is, the Examiner reads both the claimed "web page window" and the claimed "help window" onto the same browser.

1. The Examiner's position is inconsistent with the text of claim 1.

Claim 1 explicitly calls out two separate windows, not a single window containing different information at different times. More specifically, claim 1 includes the following limitations:

> first computer readable code to present ***a web page window*** on the monitor, wherein the web page window includes a web page obtained from a server;
> . . .

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[1] *Compare* Figures 1 and 3 in the July 15, 2004 Office Action, particularly the "choose one of these categories," results-format, and number-of-results sections.

> fourth computer readable code to present information to the user in the ***help window*** pertaining to the web page, wherein the information includes user-readable instructions that describe how to accomplish functions in the web page.

Claim 1, emphasis added. The Webcrawler document, in contrast, only discloses a single window that can contain different content at different times.

2. The Examiner's position is inconsistent with the Specification.

The Federal Circuit recently reaffirmed that principle that claim terms must be interpreted in light of the specification. *Phillips v. AWH Corp.*, No. 03-1269, -1286 (Fed. Cir. 2005). In this case, the Examiner's proposed claim interpretation would make the invention inconsistent with the problem statement in the background section and with the preferred embodiments. More specifically, the background section explains:

> [Traditionally], when web pages are obtained, a user asks for help by clicking on a hypertext link to a topic of interest. The main work area of the web page is then replaced by the help information. A "back" button (or similar navigation mechanism) returns the user to the area of interest by deleting the help information from the display. This requires the user to remember relevant help information from one panel to the next, or to "flip" back and forth between the web page and the help information. Such operation is awkward and extracts a heavy penalty in terms of performance (machine and human) whenever help is required.
>
> Manifestly, when using the World Wide Web, it is inconvenient not to be able simultaneously to view both a web page and the help page which pertains to it. As recognized herein, this is a particular drawback in Internet applications, wherein a user might wait several seconds for a screen display change to be completed.

Background, page 2, lines 5-16. The Examiner's proposed interpretations of "web page window" and "help window" would cause the resulting system to do exactly what the background describes as the problem -- force the user to first request a separate help page, then wait for the help page to load, then memorize the instructions contained therein, then hit the back button to return to the original web page, then wait for the browser to reload

the original web page, then perform the suggested actions -- hopefully as directed by the instructions. Such a result alone renders the Examiner's interpretation of "web page window" and "help window" unreasonable.

The Examiner's claim interpretation is made even more unsupportable by its inconsistency with Applicant's description of the invention. The very first sentence of the invention Summary explains that the "present invention provides immediate help for a network user that is presented simultaneously with a web page to which it pertains, *without replacing any part of the web page." Page 2, lines 19-21 (emphasis added).* A few sentences later, the Summary explains that an "object of the present invention is to provide a system and method for presenting a help window *simultaneously with the web page window that is being helped." Page 2, line 29 - page 3, line 1 (emphasis added).* A few sentences after that, the Summary again explains that in "accordance with present inventive principles, *the help window is displayed on the monitor simultaneously with at least a portion of the web page." Page 3, lines 18-19 (emphasis added).*

As noted in Section 5 above, all of the other pending claims also require two separate windows. Accordingly, even if the Webcrawler document was prior art under Section 102, it would not anticipate any of the claimed inventions.

II. Section 103 rejections

The Examiner bears the initial burden of establishing a prima facie case of obviousness. *M.P.E.P. § 2142.* To satisfy this burden, three basic criteria must be met. First, there must be some suggestion or motivation to make the proposed modification or combination. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations. *M.P.E.P. § 2143.* The challenged rejections fail to meet at least the first and third criteria.

A. Webcrawler is not prior art.

As previously discussed, Applicant has submitted two Declarations showing the present invention was conceived before October 23, 1996, the alleged publication date of the Webcrawler document, and either: (i) reduced to practice before October 23, 1996; or (ii) diligently reduced to practice between a date prior to October 23, 1996 and February 25, 1997, the filing date of the parent application. Accordingly, any proposed combination that includes the Webcrawler document cannot obviate the claimed inventions.

B. The proposed combination does not teach or suggest all of the claimed elements.

1. Group 1 claims

The Webcrawler document fails to teach or suggest the claimed two windows for the reasons discussed above.

The secondary reference, Dazey, also fails to disclose these elements. More specifically, Dazey describes a conventional, stand-alone help system for an application executing on a workstation. When the "help" feature is invoked, the application graphics displayed on the monitor are augmented with information pertaining to the operation and/or maintenance of the application. Significantly, however, Dazey does not teach or suggest using the Internet for any purpose, much less how to solve the problems inherent in providing help relevant to web pages. Accordingly, Applicant respectfully submits that Dazey also fails to disclose the claimed two windows.

2. Group 2 claims

In addition to the reasons cited above, Applicant notes that the group 2 claims explicitly require that the two claimed windows be displayed simultaneously. Applicant submits that this element is in direct conflict with the Examiner's application of the language of claim 1 to the Webcrawler reference. *See section 7(I)(B) supra.*

C. Even if Webcrawler were prior art, there would be no motivation to make the proposed combination.

1. The Examiner is using impermissible hindsight reasoning.

Although pop-up windows and web-based help systems are perhaps all-too-common in 2005, it is important to recognize that Applicant filed for patent protection in the very infancy of the Internet revolution. Back in 1996, when this Applicant filed the original application, most people accessed the Internet, if at all, through 28.8 kbs or 33.6 kbs modems, which required large amounts of time to connect to the Internet and even larger amounts of time to download any web pages. The Netscape browser did not include any support for Javascript (the HTML compatible code used some embodiments in the Specification) before December 1995 and did not include it in a production release until March 1996. The Internet Explorer browser was even farther behind; it did not provide official Javascript support until August 1996. *Section 9, Browser History.*

To help avoid using hindsight reasoning in long pending cases like this one, the Federal Circuit has repeatedly made clear that the prior art must suggest the desirability of the combination. *E.g., M.P.E.P. § 2143.01*; *In re Fine*, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988); *In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990). Or in other words:

> To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect

> of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.
>
> It is difficult but necessary that the decision maker forget what he or she has been taught . . . about the claimed invention and cast the mind back to the time the invention was made (often as here many years), to occupy of one skilled in the art who is presented with only the references, and who is normally guided by the then-accepted wisdom in the art.

W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 312-13 (Fed. Cir. 1983), *abrogated on other grounds by Markman v. Westview Instruments, Inc.*, 52 F.3d 967 (Fed.Cir.1995).

In this case, Applicant respectfully submits that the reproduced Webcrawler document fails to suggest the desirability of allowing the user to simultaneously view both a help page and the web page to which it pertains. Instead, Webcrawler is a simply a minor variation of the conventional technique of displaying help information in the main work area of the browser. Moreover, Applicant respectfully submits that reproduced pages fail to suggest any modifications to a help system, much less the claimed invention. Anything suggested by Webcrawler would be directed at improving the quality of search results, not at improving methods of presenting help information.

The Examiner's secondary reference also fails to suggest the proposed combination. Dazey is simply a conventional, stand-alone help system. As such, it fails to contemplate obtaining help information from the Internet.

The background section of the present application discusses conventional web page help systems and stand-alone help systems. The Examiner appears to be citing an example of each type of system and arguing that it would be obvious to combine the two examples. However, the only place that suggests this combination is Applicant's own Specification. The Federal Circuit has made it clear that an applicant's own disclosure cannot be used as a "blueprint" to reconstruct the claimed invention out of isolated teachings of the prior art. *E.g.*, *Grain Processing Corp. v. American Maize-Products*, 5

USPQ2d 1788, 1792 (Fed. Cir. 1988); *See also In re Hedges*, 228 USPQ 685 (Fed. Cir. 1986)(holding that when the claimed invention is inconsistent with the accepted wisdom, a reference can teach away by merely presenting a suggested mode and not including the claimed mode).

This rational is even more forceful where, as here, the claimed method provides significant advantages over the accepted wisdom. For example, both options in Webcrawler are awkward and extract a heavy penalty in terms of both human and machine performance, particularly if the new "third" page did not contain the required elements. Webcrawler's second option, in particular, requires the use of a modified original page. While end users may be able to translate between two versions of a simple page, many web pages (e.g., IRS forms) are too complex and/or have a mandatory format. In addition, the Dazey system fails to provide the ability to update and/or supplement the help information, in contrast to the claimed invention.

2. The references teach away from the proposed combination.

When challenged to identify the motivation to make the proposed combination, the Examiner ironically cited Dazey, column 1, lines 44-55 as providing "strong and clear evidence." *Office Action mailed March 7, 2005 at pages 11-12.* That section states:

> Another problem experienced by users is that the separate help window causes loss of focus and attention to the primary window. A window is said to have "focus" when it is active and currently designated to receive the user input from the keyboard or mouse. To navigate in a help window, the help option is activated and focus is transferred from the application window to the help window. ***This shift of focus makes it confusing for the user to implement the help instructions. As the user attempts to follow the simple directions for a help***

> ***topic, the efforts are not effective because the keystrokes referenced in the help window are only valid when the application window has the focus.***

(emphasis added). Applicant notes that this section describes a separate help window as "confusing" and "not effective," rather than as 'desirable' or 'beneficial.' This is hardly the type of description that would encourage a person skilled in the art to do what Examiner proposes.

Not only does Applicant believe that the cited language, with its characterization of a separate help window as "confusing" and "not effective," fails to provide motivation for the combination, Applicant submits that it ***teaches directly away*** from the present invention and its help window. Dazey teaches that a person skilled in the art should not use a separate help window because end users would find it "confusing" and "not effective." Put more simply, the teaching of Dazey (as opposed to the teaching of Applicant's disclosure) is that a separate help window is a poor choice. Because the Federal Circuit has repeatedly noted that such "teaching away" provides compelling evidence of non-obviousness, *e.g., In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988)*, Applicant believes that the very language relied upon by the Examiner provides sufficient evidence to compel reversal of the Section 103 rejections.

8. Claims appendix

1. A computer with a data storage device including a computer usable medium having computer usable code to present a help window for a web page displayed on a monitor, the computer usable code comprising:

first computer readable code to present a web page window on the monitor, wherein the web page window includes a web page obtained from a server;

second computer readable code to receive a help request from a user for the web page;

third computer readable code to allocate a portion of the monitor for a help window in response to the help request; and

fourth computer readable code to present information to the user in the help window pertaining to the web page, wherein the information includes user-readable instructions that describe how to accomplish functions in the web page.

2. The computer of Claim 1, wherein the help window is displayed simultaneously on the monitor with at least a portion of the web page.

3. The computer of Claim 1, wherein the help window further includes a help frame, and a table of contents frame contiguous to the help frame and pertaining thereto.

4. The computer of Claim 3, wherein the help window further includes a navigation frame contiguous to at least one of the table of contents frame and the help frame.

5. The computer of Claim 1, wherein the third and fourth computer readable code means are obtained from the server.

6. The computer of Claim 5, wherein the information in the help window is obtained by the computer in a file from the server.

7. The computer of Claim 5, wherein the table of contents frame presents hypertext links to hypertext help files pertaining to the web page.

8. In a user computer connected via a network to a server, the user computer comprising:

a browser to present a web page window on the monitor, wherein the web page window includes a web page obtained from a server; and

computer readable code to present a help window on the monitor in response to a user-generated help request, the help window containing information pertaining to the content of the web page from the server computer and not to the browser, wherein the help information in the help window includes user-readable instructions that describe how to accomplish functions in the web page.

9. [Canceled]

10. The user computer of Claim 8, wherein the computer readable code presents the help window simultaneously on the monitor with at least a portion of the web page window.

11. The user computer of Claim 9, wherein the help window includes a help frame, and a table of contents frame contiguous to the help frame and pertaining thereto.

12. The user computer of Claim 11, wherein the help window further includes a navigation frame contiguous to at least one of the table of contents frame and the help frame.

13. The user computer of Claim 12, wherein the table of contents frame presents hypertext links to hypertext help files pertaining to the web page.

14. A computer-implemented method for presenting a help window on the display area of a monitor associated with a user computer along with at least a portion of a web page obtained from a server by a browser in the user computer via a wide area network, comprising:

downloading the web page from the server;

displaying the web page in a web page window;

receiving a help request for the web page;

in response to the help request, automatically allocating a portion of the display area for a help window; and

presenting help information in the help window, the help information pertaining to the web page, wherein the information in the help window includes instructions that describe how to accomplish functions in the web page.

15. The method of Claim 14, further comprising:

dividing the help window into a help frame and a table of contents frame contiguous to the help frame and pertaining thereto.

16. The method of Claim 15, further comprising dividing the help window into a navigation frame contiguous to at least one of the table of contents frame and the help frame.

17. The method of Claim 14, wherein the table of contents frame presents hypertext links to hypertext files pertaining to the web page.

18. The method of Claim 14, further comprising obtaining the help information in a file from the server.

19. A computer program device comprising:

a program storage device readable by a digital processing apparatus; and

a program on the program storage device and including instructions executable to cause the digital processing apparatus to present on a monitor associated with a user computer that executes a browser help information simultaneously with a page obtained by the browser from a server by:

presenting a web page from the server on the monitor associated with the user computer; and

selectively presenting a help window on the monitor associated with the user computer, the help window containing information pertaining to the web page from the server computer, wherein the information in the help window includes user-readable instructions that describe how to accomplish functions in the web page.

20. The computer program device of Claim 19, wherein the program is further to cause the digital processing apparatus to present the help window in response to a user-generated help signal.

21. The computer program device of Claim 20, wherein the program is further to cause the digital processing apparatus to present the help window simultaneously on the monitor with at least a portion of the web page.

22. The computer program device of Claim 21, wherein the program is further to cause the digital processing apparatus to present in the help window a help frame, and a table of contents frame contiguous to the help frame and pertaining thereto.

23. The computer program device of Claim 22, wherein the program is further to cause the digital processing apparatus to present in the help window a navigation frame contiguous to at least one of the table of contents frame and the help frame, the table of contents frame presenting hypertext links to hypertext files pertaining to the web page.

24. A method of providing help information for a browser site monitor that displays a web site page, the help information containing information relevant to the web site page, the method including the server-executed steps of:

receiving from a browser a request for a web site page;

returning to the browser the requested web site page and computer-executable instructions for displaying a help window containing help information relevant to the requested web site page;

receiving from the browser a request for help information to be displayed in a help window corresponding to a function of the web site page; and

returning to the browser a help web page containing the requested information, wherein the help web page includes instructions that describe how to accomplish functions in the web page.

25. A method of presenting help information on a browser site monitor that displays a web site page, the help information containing information relevant to the web site page, the method including the computer-executed steps of:

providing from a browser site a request to a server for a web site page;

receiving at the browser site the web site page together with computer-executable instructions for automatically displaying a help window containing information relevant to the web site page;

displaying a browser window on a browser site monitor, wherein the browser window contains the web site page;

receiving a help request at the browser site for a function in the web site page;

providing from the browser site a request to the server for help information relevant to the function, wherein the help information in the help window includes instructions how to accomplish functions in the web page;

receiving the help information at the browser site; and

simultaneously displaying a help window on the browser site monitor with the browser window.

26. The computer of claim 1, further comprising fifth computer readable code to request a help web page from the server in response to the help signal, wherein the help web page includes the help information.

27. A method for presenting a help window on the display area of a monitor associated with a user computer along with at least a portion of an application, comprising:

displaying an application in an application window;

receiving a help request for the application from a user;

in response to the help request:

transmitting the help request to an internet server;

receiving help information from the internet server, wherein help information comprises user-readable instructions that describe how to accomplish functions in the application;

automatically allocating a portion of the display area for a help window; and

presenting the help information in the help window.

28. The method of Claim 27, wherein the application comprises a web browser; and wherein the application window comprises a web page obtained from the internet server.

29. The method of Claim 27, wherein the help window comprises a web browser; and wherein the help information comprises a web page containing user-readable instructions that describe how to accomplish functions in the application.

9. Evidence appendix

I. Postcard establishing USPTO receipt of Applicant's June 7, 2005 Response.

II. Browser histories.

III. PAIR printout dated October 5, 2005.

10. Related proceedings appendix

I. Appeal No. 1999-1693.

For each of the foregoing reasons, Applicant submits that the Examiner's rejections of claims 1-8 and 10-29 were erroneous, and respectfully requests reversal of these decisions.

Date: October 5, 2005

Respectfully submitted,

By _____
Grant Johnson
Registration No.: 42,696

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8(a)

I hereby certify that the enclosed or attached correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Appeal Brief, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2005.

_____
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Docket No.: ROC919960172US2
Applicant(s): BRANDT ET AL
Serial No.: 10/058,360
Filed: JANUARY 28, 2002

The U.S. Patent Office acknowledges and has stamped hereon the date of receipt of the items checked below which were mailed on

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Netscape Navigator

(Netscape Communications®)

= Index DOT Html/Css by Brian Wilson =

Index DOT Html: **Main Index** | **Element Tree** | **Element Index** | **HTML Support History**
Index DOT Css: **Main Index** | **Property Index** | **CSS Support History** | **Browser History**

Platforms -4.x

Macintosh: 68K, Power Mac
PC: Win9x, 3.X, NT [Intel and Alpha], 2000/XP
Unix: AIX, BSDI, HP-UX, IRIX, Linux, OSF, Sparc Solaris, SunOS
Other: Alpha, OS/2, VAX

Platforms 6.x+

Macintosh: OS 8.5-9.x, OSX
PC: Win95/98/ME, NT/2000/XP
Unix: AIX, BSDI, HP-UX, IRIX, Linux, OpenVMS, Solaris, Tru64
Other: BeOS, OS/2

About the Browser

In mid-1994, Silicon Graphics founder Jim Clark collaborated with Marc Andreessen to found Mosaic Communications (later renamed to Netscape Communications.) Andreessen had just graduated from the University of Illinois, where he had been the leader of a certain software project known as "Mosaic". By this time, the Mosaic browser was starting to make splashes outside of the academic circles where it had begun, and both men saw the great potential for web browsing software. Within a brief half-year period, many of the original folk from the NCSA Mosaic project were working for Netscape, and a browser was released to the public.

Netscape quickly became a success, and the overwhelming market share it soon had was due to many factors, not the least of which was its break-neck pace of software releases (a new term was soon coined - "internet time" - which described the incredible pace at which browsers and the web were moving.) It also created and innovated at an incredible pace. New HTML capabilities in the form of "extensions" to the language were introduced. Since these capabilities were often flashier than what other run-of-the-mill browsers could produce, Netscape's browser helped cement their own dominance. By the summer of 1995, it was a good bet that if you were browsing the Internet, you were doing so with a Netscape browser - by some accounts Netscape had as much as an 80%+ market share.

With the launch of Windows 95 and a web browser of its own (Internet Explorer) in August 1995, Microsoft began an effort to challenge Netscape. For quite a while, Internet Explorer played catch-up to Netscape's continual pushing of the browsing technological envelope, but with one major advantage: unlike Netscape, Internet Explorer was free of charge. Netscape version 2.0 introduced a bevy of must-have breakthrough features (frames, Java, Javascript and Plug-ins) which helped distance it from the pack, even *with* its attendant price tag. Mid-1995 to late-1996 was a very busy time for both browsers; it

seemed like every week one company or the other was releasing a new beta or final version to the public, each seemingly trying to one-up the other.

But slowly, Internet Explorer gained market share ground. By the fourth generations of both browsers, Internet Explorer had caught up technologically with Netscape's browser. As time went on, Netscape's market share diminished from its once-towering percentages.

In January 1998, Netscape made an announcement that their browser would thereafter be free, and also that the development of the browser would move to an open-source process. This came as wonderful news to many on the Internet. But the time between this announcement, and the actual delivery of Mozilla 1.0 would be a long road (over 4 years.) The process ended up taking much longer than originally anticipated, what with the Netscape/AOL merger and the late-hour decision to integrate an entirely new next-generation HTML rendering engine.

Even with the tantalizing promise for authors of finally having a wide-distribution browser that completely adheres to the official language standards for HTML, CSS, DOM and ECMAScript, the market-share that Netscape once held has mostly evaporated (by many accounts its market share is now down below 20%.) Its initial release of Netscape 6.0 was considered slow and buggy, and adoption was slow to occur. Now that Mozilla has finally reached what it considers to be a significant milestone in its development process (1.0 - which Netscape 7.0 is based on), perhaps those market share usage numbers will increase again...certainly the latest releases are very stable, much faster and support an ever-growing variety of standards and features.

Mozilla *IS* Netscape 6+

Since work on Mozilla began, the real work and interesting news really happens there. Many people have asked why I also do not include coverage of Mozilla here on this site. The answer is: I already do - from what I can tell there are no significant differences of any kind between the Mozilla code and the corresponding Netscape code with respect to HTML/CSS support. The only difference is that Netscape is based on Mozilla code that is not always the most current. Mozilla support information ***IS*** listed here if you know how to interpret it.

The Future

It doesn't look like Netscape will be much of a marketshare threat to anyone anymore. As already mentioned, the real work goes on with the Mozilla project now, but it is uncertain how this open source project will fare and progress now that its corporate parent has loosened its ties. The all-in-one suite approach that Mozilla has pursued up to its 1.0 milestone has been changing. The new stand-alone browser (Firebird) and email client (Thunderbird) projects attempt to trim down the mass that any application suite tends to carry with it. Will "diet Mozilla" attract a bigger audience? Time will, of course, tell.

Version	Released	Features
1.0B1	**Oct. 1994**	The First Beta of version 1 (version 0.9) The original release of the browser supports all basic HTML 2 elements and some limited HTML 3 functionality.
1.0	**Dec. 1994**	Final Release of version 1.0

1.1B1	**Mar. 1995**	The first Beta of version 1.1 added table support as well as many of its own new HTML elements and attributes.
1.1	**Apr. 1995**	Final Release of version 1.1
1.2B1	**Jun. 1995**	First Beta of version 1.2 which updated the user interface for Windows 95 and added no new HTML support.
1.2	**Jul. 1995**	Final Release of version 1.2
2.0B1	**Oct. 1995**	First Beta of the Navigator release added several HTML 3 elements, Frames and the ability to handle Java.
2.0B3	**Dec. 1995**	This version added the ability to process JavaScript
2.0	**Mar. 1996**	Final Release of version 2.0
3.0B1	**Apr. 1996**	First Beta which was originally titled Atlas, this release added many new plug-ins, and support for background colors in tables.
3.0B5	**Jul. 1996**	This version adds support for underlining, frame border control and Font FACE styles. It also adds new elements to allow for column layout (<Multicol>) and spacing control (<Spacer>)
3.0B7	**Aug. 1996**	The only new HTML feature in this version appears to be the ARCHIVE attribute to the APPLET element.
3.0-3.04	**Aug. 1996-Oct. 1997**	Final Release of version 3. Point releases beyond this add no new HTML support, just address Javascript functionality and security bugs.
4.0B1	**Dec. 1996**	Preview release of 4.0 (Netscape Communicator.) This adds the new LAYER element that allows precise positioning control in documents.
4.0B2	**Feb. 1997**	Second preview release of 4.0 (Netscape Communicator.) This adds in-line layering, and Cascading/JavaScript Style Sheet Support.
4.0B3	**Apr. 1997**	Third preview release of 4.0 (Netscape Communicator.) Improves upon the very rudimentary style sheet support in Beta 2 (PR2.)
4.0B4/5	**May. 1997**	Fourth and fifth beta of 4.0. Beta 4 was a PC-only release with minor HTML improvements, while Beta 5 is cross-platform and adds the Netcaster push technology.
4.0-4.08	**Jun. 1997-Nov. 1998**	Final Release of Communicator. Final tally adds more CSS support (much but not all of the CSS1 spec and the

		CSS positioning draft are implemented), minimal dynamic font and OBJECT element support. Point releases beyond this add no new HTML support, just address security bugs.
	Jan. 1998	**Netscape announces its browser will be free. Also announced: Browser source code will be made available for free on the Internet. Mozilla project begins**
4.5B1	**Jul. 1998**	Various functionality improvements, but no new HTML or CSS support.
4.5B2	**Sep. 1998**	Beta 2.
4.5-4.8	**Oct. 1998-Aug. 2002**	4.5 final release. Point releases beyond this add no new HTML support, just address bugs.
	Nov. 1998	**Netscape decides to integrate its new NGLayout rendering engine (Gecko) into Mozilla (v.6.0) AOL Buys Netscape for a ~$4.3 billion stock transaction ($~8.98 billion by the time the sale was finalized.)**
	Jan. 2000	Mozilla project hits Milestone 13 (M13) - considered to be first "alpha" quality release of the project.
6.0B1	**Apr. 2000**	Netscape/AOL releases 6.0 PR1 - its first all new beta browser in several years. This release integrates the Mozilla code approximately from the Milestone 14 (M14) work.
6.0B2	**Aug. 2000**	Netscape/AOL releases 6.0 PR2. This release integrates the Mozilla work from ~ the Milestone 17 (M17) timeframe.
6.0B3	**Oct. 2000**	Netscape/AOL releases 6.0 PR3. This release integrates the Mozilla work from ~ the Milestone 18 (M18) timeframe.
6.0	**Nov. 2000**	Final release of version 6.0. Based on the Mozilla 0.6 milestone.
6.01	**Feb. 2001**	Update release based on Mozilla 0.6.1 milestone.
6.1PR1	**Jun. 2001**	Pre-release of 6.1.
6.1	**Aug. 2001**	Update release based on Mozilla 0.9.2. Includes bug fixes, and is much quicker and more stable than original 6.0 release.
6.2	**Oct. 2001**	Update release based on Mozilla 0.9.4 milestone.
6.2.3	**May. 2002**	Update release also based on Mozilla 0.9.4 milestone.

	May. 2002	**Mozilla finally reaches the 1.0 milestone**
7.0PR1	**May. 2002**	Pre-release of 7.0, based on the Mozilla 1.0 RC2 code.
7.0	**Aug. 2002**	Final release of Netscape 7.0, based on the Mozilla 1.0.1 code. Deactivates the popular popup-blocking Mozilla feature by default.
7.01	**Dec. 2002**	Update release based on Mozilla 1.0.2. Re-instates the popup-blocking feature.
7.02	**Feb. 2003**	Update also based on Mozilla 1.0.2. Minor security and stability changes.
7.1	**Jun. 2003**	This update synchronizes Netscape with the Mozilla codebase of the time: Mozilla 1.4.
	Dec. 2002	**Major layoffs/reassignments at Netscape/AOL**
	May. 2003	**Microsoft resolves a lawsuit with Netscape parent company AOL in a $750 million settlement. AOL will continue distributing Microsoft's Internet Explorer instead of Netscape.**
	Jul. 2003	**AOL cuts Mozilla loose and transforms the open source project into a non-profit organization with 2 Million US dollars in seed funding. AOL's Netscape division suffers another major layoff round, cutting 50 employees.**

Internet Explorer (Windows) (Microsoft®)

= Index DOT Html/Css by Brian Wilson =

Index DOT Html: **Main Index** | **Element Tree** | **Element Index** | **HTML Support History**
Index DOT Css: **Main Index** | **Property Index** | **CSS Support History** | **Browser History**

Platforms

Macintosh: OS8.1-9.x, OSX
PC: Win95/98/ME, 3.X, NT [Alpha, Intel, Mips, PPC], 2000/XP
Unix: Solaris, HP-UX

About the Browser

The original IE 1.0 browser code was licensed from Spyglass (a commercial arm for the NCSA Mosaic browser work), but the Microsoft team quickly made a big mark on the original codebase. The first two product cycles occurred within a very short span of time, and allowed the browser to gain a little bit of ground against its main rival - Netscape.

Netscape, meanwhile, launched its ambitious 2.0 version, which introduced the browsing world to Javascript, frames, and Plug-in technology. For a while, it looked like Microsoft would forever play second-fiddle to catch up to the ever-dominant Netscape. This was when the infamous "Browser Wars" began in earnest... and despite the technological ground it needed to gain, Internet Explorer market share slowly grew.

Internet Explorer 3.0 brought the Microsoft browser MUCH closer to the bar that had been set by Netscape than ever before (integrating frames, plug-ins technology and a reverse-engineered version of Javascript) while also innovating in new areas (CSS and VBScript.) But, when the companies released their fourth generation browsers, it marked a decided turning point in the so-called "war." Internet Explorer 4.0 was a tremendous leapfrog ahead of Microsoft's previous browser version. Most importantly, IE 4.0 finally met (or exceeded) most of the capabilities of its rival's browser.

In the long intervening years since IE 4.0's release, Netscape took a long time to answer the challenge posed by IE. It took the Mozilla project more than 4 years to release its "1.0" version. Meanwhile, the market share for the Internet Explorer browser has finally succeeded in its goal of having dominant market share. It now commands (by many reports) approximately 80% of the browser market or more, with Netscape trailing far behind.

Will this trend continue? Will a new version of another browser rise to take IE's crown? Only time will tell...

Browser Timelines

The time line represented below is for the 32 bit versions. Other IE platforms, including 16-bit windows, do not ship simultaneously with the 32-bit versions. Consequently there have been some intermediate version numbers on other platforms that are not detailed here.

IE 1.5: Includes HTML Table support, but no IE 2.0 HTML extensions such as Marquees and BGSounds.

IE 2.1: Supports frames and complex tables but no Javascript, Java or ActiveX ability.
IE 2.5: The features of 2.1 plus Javascript support, but still no Java ability and ActiveX.

Shipping Vehicles

Over the course of its history, Microsoft has shipped various versions of IE as the default browser on its operating systems.

IE Version	Shipped With
1.0	**Win 95 PLUS pack** (not part of Win95 by default)
2.0	**Win NT4**
3.0	**Win 95 OSR2**
4.0	**Win 98**
5.0	**Win 98 SE** and **Win 2000**
5.5	**Win Millennium Edition (ME)**
6.0	**Win XP Home/Pro**

Browser/OS Integration

Beginning with IE version 3, the browser and its components became very tightly coupled with the Microsoft operating systems they were installed on (which was an issue in a major lawsuit against the company.)
This had several effects:

- IE could not be uninstalled from the system
- IE could only be upgraded to versions newer than the default version for an operating system
- Multiple versions of IE could not exist at the same time on a system

In May, 2003 Microsoft stated that it would no longer produce new stand-alone versions of its browser, and that the browser would only be upgraded when installing new versions of its operating system. The implications of this are not trivial: users of any existing Microsoft OS will never be able to get an upgrade for their IE browser on their current systems.

The Future

When the newest version of IE ("IE7"?) finally comes shipped with Microsoft's next operating system (currently code-named "Longhorn"), it will have been about 4 years since the release of IE6. Microsoft's browser is currently firmly entrenched as the dominant browser on the Windows platform now, but this long time-frame gives its competitors time to build some steam. The fact that IE will no longer receive new version updates on any ***existing*** operating system seems like a risky move, as many people as well as companies do not upgrade right away. This could give competitors a chance to build market share. Time will, of course, tell.

Version	Released	Features

1.0	**Aug. 1995**	This was the base release included in the Windows 95 PLUS pack product release.
2.0B1	**Oct. 1995**	The Beta release of 2.0 came very soon after the 1.0 version and added support for tables and several new HTML elements.
2.0	**Nov. 1995**	Version 2.0 Final Release **IE2 shipped with Windows NT 4.0**
3.0A1	**Mar. 1996**	This limited release of 3.0 adds full support for the current HTML tables specification, frames and more HTML elements.
3.0B1	**May. 1996**	The first public release of 3.0 added scripting support (VB and Java) as well as more HTML support in addition to the features available in the first Alpha
3.0B2	**Jul. 1996**	The second beta release of 3.0 added support for Cascading Style Sheets and Java applets.
3.0	**Aug. 1996**	Version 3.0 Final Release
3.01	**Oct. 1996**	Version 3.0 Update Release. Among other things, fixed a major behavioral bug in style sheet margin treatment. **IE3 shipped with Windows 95 OSR2**
4.0B1	**Apr. 1997**	Also known as the Platform Preview 1, this is the first release of a major update to the browser. Improved style sheet support and Microsoft's Document Object Model add many new attributes and display abilities to the browser.
4.0B2	**Jul. 1997**	Also known as the Platform Preview 2. *MANY* changes and additions in style sheet support, HTML capabilities and other things.
4.0	**Oct. 1997**	Version 4.0 Final Release. Many more changes and additions in style sheet support, HTML capabilities and other things.
4.01	**Nov. 1997**	Version 4.0 update Release. **IE4 shipped with Windows 98**
5.0B1	**Jun. 1998**	Also known as the Developer Preview, this is a new major update to the browser. Support for more CSS2 features is a highlight of this release.
5.0B2	**Nov. 1998**	Also known as the Public Preview. Bi-directional text, rubies and direct XML/XSL support are new features included in this release. Also included are many new CSS properties.

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5.0	**Mar. 1999**	Version 5.0 Final Release. **IE5 shipped with Windows 98SE and Windows 2000**
5.5B1	**Dec. 1999**	Also known as the Developer Preview. A few changes to the implementation of frames and some new CSS properties are supported.
5.5	**Jul. 2000**	Version 5.5 Final Release. **IE5.5 shipped with Windows Millennium Edition (ME)**
6.0B1	**Mar. 2001**	More CSS changes and bug fixes to be more spec-compliant.
6.0	**Oct. 2001**	Version 6.0 Final Release. Released in conjunction with Microsoft Windows XP.
6.0SP1	**Sep. 2002**	Security fix update. **IE6 shipped with Windows XP Home/Pro**
	May. 2003	**Microsoft settles pending lawsuits with AOL/TimeWarner. Part of the settlement includes 750 Million US dollars plus an agreement for AOL to continue to use IE, royalty-free, as its default browser for the next 7 years.**
	May. 2003	**Microsoft announces that IE will no longer be released as a stand-alone browser, rather it will only be released with new operating system releases.**

Boring Copyright Stuff...

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Method and apparatus for displaying help window simultaneously with wet
10/058,360 page pertaining thereto

Application Data | Transaction History | Image File Wrapper | Continuity Data | Published Documents | Publication Dates | Address & Attorney/Agent

Date	Contents Description
09-26-2005	**Date Forwarded to Examiner**
09-16-2005	Amendment/Argument after Notice of Appeal
09-16-2005	**Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received**
08-08-2005	Notice of Appeal Filed
08-08-2005	**Request for Extension of Time - Granted**
07-30-2005	Date Forwarded to Examiner
07-20-2005	**Amendment after Final Rejection**
07-20-2005	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
07-20-2005	**Oath or Declaration Filed (Including Supplemental)**
07-27-2005	Mail Advisory Action (PTOL - 303)
07-22-2005	**Advisory Action (PTOL-303)**
06-22-2005	Date Forwarded to Examiner
06-13-2005	**Amendment after Final Rejection**
04-29-2005	Mail Advisory Action (PTOL - 303)
04-25-2005	**Examiner Interview Summary Record (PTOL - 413)**
04-28-2005	Advisory Action (PTOL-303)
03-07-2005	**Mail Final Rejection (PTOL - 326)**
03-04-2005	Final Rejection
10-19-2004	**Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received**
01-03-2005	Date Forwarded to Examiner
10-19-2004	**Response after Non-Final Action**
10-19-2004	Workflow incoming amendment IFW
07-15-2004	**Mail Non-Final Rejection**
07-12-2004	Non-Final Rejection
05-26-2004	**Case Docketed to Examiner in GAU**
05-25-2004	IFW TSS Processing by Tech Center Complete
04-02-2004	**Reference capture on IDS**

32-K

01-28-2002	Reference capture on IDS
04-02-2004	**Information Disclosure Statement (IDS) Filed**
06-23-2003	Preliminary Amendment
06-16-2003	**Information Disclosure Statement (IDS) Filed**
03-22-2002	Case Docketed to Examiner in GAU
01-28-2002	**Information Disclosure Statement (IDS) Filed**
03-05-2002	Preliminary Amendment
03-04-2002	**Application Dispatched from OIPE**
03-04-2002	Application Is Now Complete
02-08-2002	**IFW Scan & PACR Auto Security Review**
01-28-2002	Initial Exam Team nn

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37-L

R0996-172/BAJ

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 10

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARCIA LYNN BRANDT,
JOSEPH VINCENT DICECCO,
JASON ROBERT HANSEN, THOMAS MICHAEL MOSKALIK,
TIMOTHY JUDE O'KEEFE, DIANE ELAINE OLSON
and DEVON DANIEL SNYDER

Appeal No. 1999-1693
Application 08/806,136

ON BRIEF

Before THOMAS, JERRY SMITH and LALL, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1 through 25.

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Representative claim 8 is reproduced below:

8. In a user computer connected via a network to a server, the user computer comprising:

a browser to present a web page from the server on a monitor; and

a computer readable code to present a help window on the monitor, the help window containing information pertaining to the web page from the server computer and not to the browser means, wherein the information in the help window describes how to accomplish functions in the web page.

The following references are relied on by the examiner:

Judson	5,572,643	Nov. 5, 1996
Pike	5,579,469	Nov. 26, 1996

Claims 1 through 25 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Judson in view of Pike.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

Generally for the reasons set forth by the examiner in the answer, we sustain the rejection of all claims on appeal under 35 U.S.C. § 103. We add the following supplemental analyses.

Although appellants note that all claims stand and fall together at the top of page 3 of the brief, the corresponding language of each respective independent claim, 1, 8, 14, 19, 24 and 25 is argued in the brief at pages 3 and 4. No other features presented in any claim on appeal are argued. Reproduced claim 8 is merely representative.

Appellants' arguments do not assert that Judson and Pike are not properly combinable within 35 U.S.C. §103. Appellants argue only that the resultant combination of Judson and Pike does not meet the above-noted feature common to each independent claim. Appellants' urging in the middle of page 3 of the brief that the examiner has ignored the noted claim limitations common to each independent claim, since they are asserted to be missing from the combination of Judson and Pike, is misplaced. A key disclosed, but unclaimed feature relating to the simultaneity of the display of a selected web page along with an associated help window with that selected web page is not recited in any independent claim except claim 19. This feature, however, is not argued. Moreover, appellants have presented no arguments that the references relied upon by the examiner do not teach that which the examiner asserts is taught therein. We are therefore unpersuaded by appellants' broad assertions at pages 3 and 4 of the brief on appeal, without any explanation of why, the examiner has allegedly ignored the common claimed features among each of the independent claims on appeal. Even a brief study of the examiner's statement of the rejection in the

answer, as well as the examiner's responsive arguments, reveals that the examiner has not ignored the relied upon features recited in each independent claim on appeal.

As to Judson, we observe that with respect to the web-based browser environment depicted in Figures 1 and 2 of this reference, Judson's contribution permits dynamic display of information objects during linking operations. During the time the client computer waits for a reply and/or as the web page is being downloaded, the browser displays one or more different types of informational messages to the user. This is generally reflected in Figure 3 where the starting point is a current displayed web page in step 70. If another page is to be selected by a linking operation in step 74, during the time this occurs in steps 76 and 78, the retrieved information object embedded within the current display page is displayed in accordance with parallel in time steps at elements 80 and 82. Once the download is complete as in step 84 for the newly selected web page, the information data is saved as in element 86. This is generally discussed beginning at the bottom of column 5 in the discussion associated with Figure 3.

Judson's modifications, discussed as to this above-stated operation, begin in the middle paragraph of column 6 and indicate at lines 36 through 38 that one of these information object messages "itself may be retained on the screen as an inline image or other text along with the downloaded hypertext document." Thus, there is taught an essential simultaneity of the newly retrieved web page with the additional information

object. Furthermore, the discussion in the middle paragraph at column 2 of Judson indicates that "[p]referably, the message information is in some way related to the hypertext document being accessed and downloaded." (Column 2, lines 44-46). The paragraph bridging columns 6 and 7 of Judson indicates that the browser's home page itself may be embedded with the information object whenever a call to a web page is made. Finally, we note the discussion at column 7, lines 39-44 indicates that Judson teaches that an information object may be broadly defined. Thus, the examiner is correct in indicating in the statement of the rejection at page 3 of the answer that Judson fails to explicitly teach or falls short of teaching a computer readable code to a help window per se on the client monitor pertaining to the selected web page rather than to the browser itself.

As to Pike, we note initially that the abstract indicates that Pike's user "help" interface operates within a window system and is taught to be applicable to browsers. The showing in Figure 1 of Pike's help screen indicates as the examiner asserts that two columns 115a and 115b are depicted with a plurality of windows 103 in tiled fashion, each of which has the ability to display selective help information for each window. Our study of this reference leads us to agree with the examiner's view that Pike's extensive teachings of his help screen relate in a browser environment to web page information from a server and not to the browser itself. Appellants' arguments in

the brief have not contended otherwise. We are thus in agreement with the examiner's conclusions reached at pages 5 and 6 of the answer:

> Pike teaches computer readable code to present a help window on the monitor, the help window containing information pertaining to a UNIX-based page from the server, not to the browser, and in combination with Judson, teaches [sic, a] computer connected via a network to a server comprising a browser to present a web page from the server on a monitor along with an associated page providing useful information for the browser page.
>
> It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide computer readable code to present a help window on the monitor, the help window containing information pertaining to web page from the server, not to the browser as suggested by Pike to the web browser with dynamic display of information objects during linking of Judson, in order to enhance the operation of a web browser by causing the display of some useful information to the user of the web browser at a given page.

Finally, the examiner's rejection of Judson in view Pike may be viewed from its broadest teaching aspect as Judson teaching the general concept of permitting the simultaneous display of associated messages with a given chosen web page while Pike teaches that a specific type of such information, that is, associated help information, would have been an obvious particular type of information that may be displayed.

As an aside, we note that the examiner's combination of Judson and Pike is consistent with what we also regard would have been obvious to the artisan if asserted by the examiner that appellants' prior art statements at pages 1 and 2 of the invention in the context of the teachings of Judson would have also lead to a conclusion of the

obviousness of the subject matter of the present claims on appeal since the normal function of browsers per se was known in the art and the ability of conventional windows-based applications permitted the user to invoke help features simultaneously during the display of given windows of information. Clearly, in light of Judson's teachings as outlined earlier, the artisan would have found it obvious as well to have extended this conventional feature of user help features of the prior art to a browser environment associated with the selected web page itself. Alternatively, since normal browser operation permits help information to be displayed with respect to the browser itself as acknowledged by appellants' prior art at pages 1 and 2 of the specification as filed, it would have been obvious in view of Judson to have extended this capability of known browsers to help information of the web page itself in view of the conventionality of admitted prior art software applications as discussed at the bottom of page 1 of the specification as filed. Judson simply teaches the artisan how or one manner in which this may be effected in addition to teaching the analytical linkage to do so.

In view of the foregoing, the decision of the examiner rejecting claims 1 through 25 under 35 U.S.C. §103 is sustained. Accordingly, the decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

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)
)
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